

EXECUTIVE

Minutes of the meeting held on 27 November 2019 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors Graham Arthur, Peter Fortune,
William Huntington-Thresher, Kate Lymer, Peter Morgan
and Diane Smith

Also Present:

Councillor Vanessa Allen, Councillor Aisha Cuthbert,
Councillor Ian Dunn, Councillor Simon Fawthrop,
Councillor Josh King, Councillor Stephen Wells and
Councillor Angela Wilkins

94 APOLOGIES FOR ABSENCE

There were no apologies for absence.

95 DECLARATIONS OF INTEREST

There were no declarations of interest.

96 QUESTIONS

Seven questions for oral reply at the meeting, and two questions for written reply had been received. The questions and answers are set out in Appendix A.

97 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 16TH OCTOBER 2019

RESOLVED that the minutes of the meeting held on 16th October 2019 (excluding exempt information) be confirmed.

98 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS Report CSD19170

The Executive noted a report on matters outstanding from previous meetings.

99 BUDGET MONITORING 2019/20 Report FSD19102

The Executive received the second budget monitoring report for 2019/20 based on expenditure and activity levels up to the end of September 2019.

The report highlighted any significant variations that would impact on future years and early warnings that could impact on the final year end position.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The latest financial position, and that a projected net overspend on services of £1,578k is forecast based on information as at September 2019 be noted.

(2) The comments from Chief Officers detailed in Appendix 2 to the report be noted.

(3) The projected variation of £281k debit from investment income as detailed in sections 3.5 and 3.6 of the report be noted.

(4) The projected increase to the General Fund balance of £814k as detailed in section 3.3 of the report be noted.

(5) The full year cost pressures of £5.2m as detailed in section 3.4 of the report be noted.

(6) The return of £37k to the 2019/20 Central Contingency relating to the Exchequer contract inflation as detailed in paragraph 3.2.2 of the report be noted.

(7) The return of £40k to the 2019/20 Central Contingency relating to the Mortuary contract as detailed in paragraph 3.2.2 of the report be noted.

(8) The return of £91k to the 2019/20 Central Contingency relating to the Exchequer contract as detailed in paragraph 3.2.2 of the report be noted.

(9) The release of £217k credit from the 2019/20 Central Contingency relating to savings allocated to the review of staffing as detailed in paragraph 3.2.3 of the report be agreed.

(10) The release of £42k from the 2019/20 Central Contingency relating to additional Blue Badge costs as detailed in paragraph 3.2.4 of the report be agreed.

(11) The release of £25k from the 2019/20 Central Contingency relating to the Parks Contract and business rate charges as detailed in paragraph 3.2.5 of the report be agreed.

(12) The release of £200k from the 2019/20 Central Contingency relating to the merited award scheme for exceptional performers as detailed in paragraph 3.2.6 of the report be agreed.

(13) The release of £659k from the 2019/20 Central Contingency relating to additional allocation of Better care Funding by NHS England as detailed in paragraph 3.2.7 of the report be agreed.

(14) The allocation of £700k from the Better Care Fund to offset pressures in Adult Social Care as detailed in paragraph 3.2.8 of the report be agreed.

**100 CAPITAL PROGRAMME MONITORING - 2ND QUARTER
2019/20
Report FSD19096**

The Executive received a report on the current position on capital expenditure and receipts following the second quarter of 2019/20 and seeking approval to a revised Capital Programme. Capital receipts were set out in a separate part 2 appendix.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The report be noted, including a total re-phasing of £10,323k from 2019/20 into future years and a revised Capital Programme (see paragraph 3.3.7) be agreed.

(2) The following amendments to the Capital Programme be agreed:

- (i) Reduction of £177k on Devolved Formula Capital 2019/20 scheme (paragraph 3.3.1 of the report);**
- (ii) Deletion of £2k residual balance on Care Home Improvements to Environment for Older People scheme (paragraph 3.3.2 of the report);**
- (iii) Increase of £2k on Carbon Management Programme scheme (paragraph 3.3.3 of the report);**
- (iv) Subject to Council, an increase of £1,208k SEND Provision Capital funding to the Basic Need scheme (paragraph 3.3.4 of the report);**
- (v) Increase of £499k on London Private Sector Renewal scheme and £117k on Disabled Facilities Grant scheme to reflect the total funding available (paragraph 3.3.5 of the report); and**
- (vi) Subject to Council, an increase of £1,385k to the Section 106 receipts from developers - as detailed in paragraph 3.3.6 of the report.**

(3) Council be recommended to approve an increase of £1,208k SEND Provision Capital funding to the Basic Need scheme and an increase of £1,385k to the Section 106 receipts from developers.

101 EMPTY HOMES PREMIUM
Report FSD19094

The Executive considered a proposal that an Empty Homes Premium be introduced from April 2020 at a rate of 50% for properties empty of more than two years increasing to 100% where the property has been empty for five years. While the proposals would provide additional income, the main reason for introducing the premium was to bring empty properties back into use. Members noted the equality impact assessment and results of the public consultation, including responses received while the consultation was temporarily suspended.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The responses to the public consultation exercise (appendices 1 and 2) and the Equality Impact Assessment (appendix 3) be noted.

(2) The empty Homes Premium be introduced from the financial year 2020/21 at the rate of 50% for properties empty for longer than two years, increasing to 100% where the property has been empty for five years.

102 COUNCIL TAX SUPPORT/REDUCTION SCHEME 2020/21
Report FSD19095

The Executive received a report setting out the results of the public consultation exercise for the proposed Council Tax Support/Reduction scheme 2020/21, and the equality impact assessment, and recommending that the scheme be forwarded to full Council for approval.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee on 20th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The updated Impact Assessment at appendix 1 to the report and the responses to the public consultation exercise at appendices 2 and 3 be noted.

(2) It is noted that the Council Tax Support/Reduction scheme for 2020/21 retains the calculation of entitlement for working age claimants

on 75% of the household's Council Tax liability (thereby the maximum assistance provided to a clamant of working age is 75% of his/her Council Tax liability.)

(3) Council be recommended to approve the Council Tax Support/Reduction scheme for 2020/21.

**103 BECKENHAM LIBRARY AND CULTURAL VENUE -
AUTHORITY TO PROCEED TO PROCUREMENT**
Report DRR19/051

The Executive considered a report assessing the potential for using the Beckenham Library site for housing, and moving the library to a more central location in the town centre at Beckenham Public Halls, an under-utilised asset with huge potential.

Councillor Josh King addressed the Executive on behalf of Clock House ward councillors. He contended that this was a bad scheme which would result in a significant reduction in the provision of facilities in Beckenham, a reduction in the rooms available for public hire at Beckenham Public Halls, a smaller library space and the breaking up of the well-established and well used educational, sports and amenity hub of the Library, the Spa and Venue 28. It would also result in the destruction of the late art deco library building, which made a positive contribution to the Elm Road Conservation Area – he read out the conservation area description. He described the Leader as scaremongering about local housing targets, and that only a modest increase to 774 dwellings from the 641 in the Local Plan had been proposed. The Library site had never been allocated for housing in the Local Plan and housing targets could be met by positive engagement with developers to optimise the land already allocated in the Local Plan. Neglect by the Council of the Public Hall and the Library leading to a substantial backlog of maintenance could not be used to justify the scheme. He stated that the scheme was very unpopular with residents and Residents Associations – there had already been a demonstration and a petition against it had gathered over 4,000 signatures with 400 signatories adding their own comments.

In response, the Leader commented that he wasn't the local PPC who was 'scaremongering' misleadingly on Twitter that Beckenham Library was being closed and he pressed Councillor King as to whether he held private information he wished to share with the Committee confirming that the Mayor for London had abandoned his published housing target of 1,424 dwellings per year across the Borough. Councillor King responded that he did not.

The Portfolio Holder for Renewal, Recreation and Housing, Councillor Peter Morgan, read a statement addressing the following issues (a copy is attached to these minutes as Appendix B) –

- Moving the library- there was no intention of closing the library, and it would only be moved if the study being commissioned showed that the new library would be at least as large and contain at least as many

books. Previous schemes at Biggin Hill, Orpington and Penge had been very successful.

- The refurbishment of the public halls – transforming an under-utilised arts and craft building and increasing both library and community use.
- Housing – the Council had 1,600 families on the housing register, and was focussing on its own under-utilised land. 50% of new housing on the library site would be affordable.
- Design – the drawing of a possible development on the library site was only a space study and if the project was progressed an architectural competition would be held to produce a suitable design.
- Allocation of Land – although the site was not identified as a specific site allocation in the Local Plan, the Local Plan did state that the Council would make provision for housing including at sites becoming available due to public sector restructuring.
- Covenants - the Council was aware of the covenants relating to the land.
- Consultation – the report merely sought initial approval to proceed to procurement for concept designs. If the scheme was found to be viable then there would be public consultation before a final decision to proceed was taken.
- The Lambert Smith Report – this report was solely concerned with delivery methods for the Council and not specific sites.
- The Clock House Shops – a residential development would potentially provide more customers for the shops than the current library.
- A temporary library location – the old library would only be vacated once the new library space was available.

He concluded by stating that the report was solely about appointing consultants to prepare a viability assessment and drawings for the Public Halls – only once this was done would the Council consider moving to the next stage and carrying out a wide public consultation.

Councillor Angela Wilkins complained that the second recommendation in the report appeared to mean that the Council was making a final decision to use the library site for housing. The Leader confirmed that this was not the case, and that if the proposals for the Public Halls did not proceed the library site would not be sold.

Councillor Stephen Wells addressed the Executive as a ward councillor for Copers Cope. He was concerned that investigations into the Public Hall should be carried out quickly, and that the study should include the whole of the building, including the parts currently let until 2024 on a commercial lease. He commented that it was possible to put a modern library into an old building, and that it was worth seeing whether a library with flexible spaces and better transport connections could be provided at the Public Halls as a town centre hub. The Leader endorsed the need for the answers to be provided quickly, while other councillors confirmed that the library move in Orpington had worked well.

Councillor Simon Fawthrop reminded the Executive that the Executive, Resources and Contracts PDS Committee had recommended that an open tender process be used to procure the multi-disciplinary team, rather than the ADUP (Architecture, Design and Urbanism Panel) framework, so that the Council's normal 60/40 price/quality weighting could be retained.

The report had also been scrutinised by the Renewal, Recreation and Housing PDS Committee on 5th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) Proceeding to procurement for the appointment of a multi-disciplinary team to develop a scheme for Beckenham Public Hall up to RIBA Stage 2 in the first instance, at an estimated cost of £70k, be agreed, using an open tender process, rather than the ADUP framework.

(2) In principle, the existing Beckenham Library site be used for housing - the approach taken to deliver the housing will depend on the outcome of the review being undertaken by Lambert Smith Hampton and any subsequent agreement of a housing delivery vehicle - this will be subject to a further report.

**104 OPTIONS APPRAISAL FOR CHIPPERFIELD ROAD SITE
 (BROMLEY VALLEY GYMNASTICS CENTRE) (PART 1)
 Report DRR19/059/A**

The Executive considered a report setting out the current lease arrangement for the Bromley Valley Gymnastics Centre and providing three options for the site -

- Option 1: To re-develop the existing centre as a facility for the existing tenant, allowing the Council to continue to support a valuable community asset. This would be on the basis of a full repairing and insuring lease.
- Option 2: To maximise the land value for housing and not provide a gymnastics facility.
- Option 3: To rebuild on the site with a general leisure offer (dry-side only) with gymnastics space, for competitive tender.

A part 2 report with additional information had also been circulated.

Councillor Simon Fawthrop commented that as part of investigations into what could be provided on the site there should be consideration of residential accommodation being provided above the gymnastic centre.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 5th November 2019, and the Committee had supported the recommendations.

RESOLVED that a gymnastics centre be re-provided for Bromley Valley Gymnastics Club as set out in paragraphs 3.12 to 3.18 of the report (option 1).

105 PROVISION OF HOUSING AT WEST WICKHAM LIBRARY AND STATION ROAD CAR PARK, WEST WICKHAM (PART 1)
Report DRR19/053

In accordance with its Housing Policy, the Council had reviewed a number of sites across the borough that could be re-purposed to provide housing for temporary accommodation. Initial feasibility work had been carried out in relation to the current site of West Wickham Library and Station Road Car Park to provide approximately 34 residential units and a 500 square meter commercial unit. The report recommended that further feasibility work be undertaken in order to assess the viability of the scheme, whilst a procurement exercise was run concurrently to appoint a multi-disciplinary team

Councillor Peter Morgan confirmed that the existing library would not be closed until the new library building was ready.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee on 5th November 2019, and the Executive, Resources and Contracts PDS Committee on 20th November 2019. Both Committees supported the recommendations, but the Executive, Resources and Contracts PDS Committee recommended that an open tender process be used to procure the multi-disciplinary team, rather than ADUP (Architecture, Design and Urbanism Panel), so that the Council's normal 60/40 price/quality weighting could be retained.

RESOLVED that

(1) The feasibility work undertaken be noted, and the use of the West Wickham Library and adjacent parcels of land and the car park at Station Road, West Wickham as a potential site for housing development be approved.

(2) The additional feasibility work identified at paragraph 3.24 of the report, including instructing Cushman and Wakefield to enter into formal negotiations with the land owners for the purchase of additional land to maximise the site's development potential, be approved.

(3) The procurement strategy for the appointment of a multi-disciplinary design team for the scheme be on the basis of an open tender rather than the ADUP framework outlined at paragraphs 4.1 - 4.10 of the report.

106 TEC DELEGATION FOR THE REGULATION OF DOCKLESS VEHICLE HIRE SCHEMES
Report ES19071

The Executive considered a report advising them of proposals by London Councils to amend the Transport and Environment Committee (TEC) Agreement in order to introduce a pan-London byelaw for the regulation of dockless bicycle hire schemes. In order to do this, all London local authorities needed to agree to delegate powers.

Councillor William Huntington-Thresher reported that there might need to be slight revisions to the proposals.

An explanatory note and guidance had also been circulated. The report had been scrutinised by the Environment and Community Services PDS Committee on 13th November 2019, and the Committee had supported the recommendations.

RESOLVED that Council be recommended to delegate to London Councils the power to make a pan-London byelaw for the regulation of dockless vehicle hire schemes and approves the proposed or revised amendment to the TEC Agreement required to make the proposed byelaw, authorising the Director of Environment and Public Protection to sign the delegation as required.

107 GATEWAY 1: PROCEED TO PROCUREMENT FOR SUPPORT TO VOLUNTARY, COMMUNITY AND SOCIAL ENTERPRISE SECTOR
Report ACH19019

The Council currently provided support to the Voluntary, Community and Social Enterprise Sector in Bromley via two separate contracts - "Support to the Voluntary Sector", a contract with Community Links Bromley, and "Support to the Sector", part of the Primary and Secondary Intervention Services (Bromley Well) contract delivered by Bromley Third Sector Enterprise. The report set out the commissioning options and proposed that the contracts be combined as from October 2020.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that proceeding to procurement be approved as detailed in paragraph 4.2.1 and section 6 of the report for a new Support to the Voluntary, Community and Social Enterprise Sector in Bromley contract for a period of five years from 1st October 2020 to 30th September 2025, with an option to extend for a further two years at an estimated cost of £160k pa (whole life value of £1.12m.)

**108 GATEWAY 0/1 COMMISSIONING STRATEGY FOR
DOMICILIARY CARE SERVICES**
Report ACH19015

The framework contract for multiple Domiciliary Care services was due to expire on 27th August 2021 with no further extension options remaining. The framework contracts had an estimated annual value of £13.4m with estimated spend over the life of the contracts of approximately £112m.

The Executive had agreed a service model on 11th July 2018 incorporating opportunities for more efficient and effective services taking into account the current and emerging changes in provider markets, technology, outcome-based services and enabling approaches, all of which would support a model giving more choice and control to service users, their families and personal support networks. The current report set out a proposed procurement strategy.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that proceeding to procurement be approved as detailed in paragraph 4.3 and section 6 of the report for -

(a) a multiple lot tender based on a “patch” based model for contracts commencing 28th August 2021 for a five year period with the option to extend for up to three years; and

(b) a domiciliary care Framework on a call off basis with contracts commencing 28 August 2021 for a four year period.

The combined total value of both contract arrangements is estimated at £13.4m per annum; the value of individual contracts across the lots and the Framework will be variable.

**109 GATEWAY REPORT: LEARNING DISABILITY SUPPORTED
ACCOMMODATION PROCUREMENT STRATEGY**
Report ACH19010

The Council operated a number of separate contracts with specialist learning Disability (LD) providers for care and support into various LD supported living properties. At its meeting on 10th July 2019 the executive had decided to align the end dates of these contracts to April 2021 to support a wider commissioning exercise.

The report set out a strategy for a major procurement exercise to align and restructure what were currently five contracts covering sixteen properties and serving seventy-eight adults. The annual value of the contracts was estimated to be £4.7m per annum, with an estimated value over the proposed 5+3 contract term of £37.4m.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that proceeding to procurement be agreed for the learning disability contracts detailed in the report.

110 LEARNING DISABILITY DAY, RESPITE AND SUPPORTED LIVING SERVICES - CONTRACT EXTENSION AND COMMISSIONING STRATEGY (GATEWAY 0) (PART 1)
Report ACH19017

The Council had a block contract with Certitude for Supported Living, Respite and Day Services for adults with a learning disability (LD). The contract was due to end on 30th September 2020, but there was an option to extend for up to a further two years. It was recommended that the option to extend be taken.

It was also proposed that a LD Strategic Board be established comprising service users, parents and other key stakeholders to ensure visibility of action and progress along with a communication path and critical oversight. A Member would be appointed to the Board once more detailed terms of reference had been developed.

A report with additional, exempt information was considered in part 2. The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that

(1) The extension of the contract with Certitude for a period of up to two years from 1st October 2020 to 30th September 2022 at a total cost of £7,758k be agreed.

(2) A Member be appointed to the proposed LD Strategic Board once the terms of reference have been developed.

111 CONTRACT AWARD FOR 0-19 YEARS PUBLIC HEALTH NURSING SERVICE (PART 1)
Report CSD19180

Contracts for the provision of 0-4 Years Health Visiting Service (incorporating Family Nurse Partnership), Primary Screening (Vision Screening and National Child Measurement Programme in Primary Schools) and Health Support to Schools were due to expire on 30th September 2020 with no further option to extend the contracts. On 2nd August 2019, the Executive had approved the continued funding of all three contracts and decided to retender a combined service.

The results of the tendering process were set out in the report, with further details in a part 2 report.

The report had been scrutinised by the Adult Care and Health PDS Committee on 19th November 2019, and the Committee had supported the recommendations.

RESOLVED that the part 1 report be noted.

112 CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

There were no additional items referred from Executive, Resources and Contracts PDS Committee.

113 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

114 EXEMPT MINUTES OF THE MEETING HELD ON 16TH OCTOBER 2019

The exempt minutes of the meeting held on 16th October 2019 were confirmed.

115 LEARNING DISABILITY DAY, RESPITE AND SUPPORTED LIVING SERVICES - CONTRACT EXTENSION AND COMMISSIONING STRATEGY (PART 2)

The Executive considered exempt information related to the decision to extend the contract with Certitude for up to two years.

116 CONTRACT AWARD FOR 0-19 YEARS PUBLIC HEALTH NURSING SERVICE (PART 2)

The Executive awarded the contract for provision of the 0-19 Public Health Nursing service.

**117 OPTIONS APPRAISAL FOR CHIPPERFIELD ROAD SITE
(BROMLEY VALLEY GYMNASTICS CENTRE) (PART 2)**

The Executive considered exempt information in relation to the proposals for the Bromley Valley Gymnastics Centre.

**118 PROVISION OF HOUSING AT WEST WICKHAM LIBRARY AND
STATION ROAD CAR PARK, WEST WICKHAM (PART 2)**

The Executive considered exempt information in relation to the proposals for West Wickham Library and Station Road Car Park.

**119 CAPITAL PROGRAMME MONITORING - 2ND QUARTER
2019/20 - APPENDIX E**

The Executive noted Appendix E to the Capital Programme report, setting out capital receipts.

The Meeting ended at 8.20 pm

Chairman

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EXECUTIVE

27th November 2019

Questions from Members of the Public

1. **From Parisa Wright, Founder, Greener & Cleaner Bromley (& Beyond) to the Portfolio Holder for Environment and Community Services** (written reply provided)

In order to further assist air quality & the borough's carbon footprint, will the Portfolio Holder ask TFL to:

(a) urgently upgrade their Bromley borough buses to cleaner vehicles which all at least enjoy stop/start technology; and

(b) agree a date within the next 2 years for the introduction of hybrid and electric bus routes into the borough?

And importantly, how can residents and local community groups support this?

Reply:

The bus fleet is a matter for TfL to determine however Bromley's LIP3 (fig. 16) sets out our aspirations for a lower emission bus fleet. Bromley has recently benefited from cleaner buses as a result of the Low Emission Bus Zone in Lewisham and fleet renewal in recent months for example on the 208 and 227. Bromley already has Hybrid bus routes and between 2025 and 2030 our LIP sets an aspiration for all routes to be Hybrid or Electric. Officers will continue to raise the type of vehicles serving Bromley during their regular liaisons with TfL. I have also requested that this is added as an agenda item for the Public Transport Liaison group in January. Local community groups can contact TfL or their GLA member in the usual manner.

2. **From John Cooper to the Portfolio Holder for Environment and Community Services**

(Prior to asking his question, Mr Cooper referred to the minutes of the meeting in May 2019 when he had attended. He stated that the minutes did not reflect the assurances given that a crossing would be in place by October, and this had not materialised. The Leader recognised this and acknowledged that that there had been some slippage in the scheme.)

Corner of Homesdale Road and Liddon Road, Bickley - crossing and traffic calming measures -

How has the site met national assessment criteria since 2009 and what do results show about: difficulty in crossing for children, disabled and elderly people; access to key local amenities (such as Tesco, which is the biggest supermarket in the area), vehicle delays during peak periods; carriageway capacity; and vehicle speeds?

Reply:

Bromley undertakes a review of its highway network each year and identifies all locations where 5 or more injury collisions have occurred in the latest 3 year period. Each cluster site is then reviewed to see if there are any cost-effective improvements that can be implemented to maximise road casualty savings per pound spent. Thankfully, over the latest period for which data is available, there have been no collision casualties at the junction of Liddon Road with Homesdale Road. Further north on Homesdale Road, near the junction with Page Heath Lane, there are plans to consult on a possible zebra crossing. The need for a crossing to be considered has been identified through the School Travel Plan process at some of the four nearby schools, with subsequent traffic and pedestrian counts being undertaken. Consultation will be undertaken in December or January.

Supplementary Question:

I have sent photos of two quite serious crashes in the last six weeks at the site in question. I wanted to ask whether you were aware of this photograph of this exact site, blind corner, taken in 1895. It shows that the road has exactly the same dimensions as it has now. Would you agree that this demonstrates the urgency of works being commenced as soon as possible? With particular reference to kids that get off the buses in the morning and have to cross that road (the photo shows children playing in the road and it is from the time of horses and carts, and now there are now juggernauts going down there.)

Reply:

I was not aware of that picture. This has been drawn out through the school travel planning process as a point that would help children approach school through active means. Everything that the Council likes to do, where we want things to be done as much as where we do not want things to be done, we undertake a consultation. That does, unfortunately, add a bit of delay while we consult. Whilst I understand that there is urgency, there is also a duty for us to consult.

3. From Mark Lees to the Portfolio Holder for Renewal, Recreation and Housing

When did the Council first notify Beckenham residents about your intentions over Beckenham Library? By what various means did you carry out the consultation and what was the general response from the residents? What statistical analysis have you carried out to show the results of this consultation?

Reply:

This report deals with initial approval to proceed to procurement for concept designs - it is not the decision. This will allow the Council to more fully determine the viability of the scheme, primarily by having a costed schedule of works for the new library and cultural venue at the Public Hall.

Assuming that this work does show the scheme to be viable public consultation will commence prior to any subsequent report asking for approval to take the scheme forward to the following RIBA stages. Item 3.20 in the report says that public consultation will be undertaken on completion of this concept design.

It is worth noting, with reference to your last point, that where other libraries have moved to central High Street locations, such as in Orpington, the usage increased.

Supplementary Question:

Do you not think that initial consultation with the residents should be carried out at the first step? Surely it would have been the logical, and dare I say it, the responsible and decent thing to do? After all, we the residents of Bromley pay for these facilities through our Council and general taxes. Now that you see the strength of feeling in favour of retaining the library are you going to put a halt to this going any further?

Reply:

I think the point is that until we have a proper concept design which everybody can have a proper look at consultation would not have any proper meaning. There are lots of rumours and ideas and concepts floating around, and none of them may bear any relation to what is actually produced, so a consultation would be meaningless at this point.

4. From Garnet Frost to the Portfolio Holder for Renewal, Recreation and Housing

In the light of the wave of dismay and indignation with which the Council's plan to demolish Beckenham Library has been greeted, will the Committee now allow a pause for consultation before endorsing this proposal? (I mean public consultation, and not consultation with the developers or amongst yourselves.)

Reply:

(Before Councillor Morgan responded to the question, the Leader confirmed that consultation meant with the public, and always did.)

There will be consultation once we have a study that we can put in front of people so that they can make proper comments, and until further work is undertaken the potential scheme cannot be fully understood. However, the genuine aim is for Beckenham to benefit from a better library and therefore I hope we will be progressing the matter to the next stage.

Supplementary Question:

Could you give me an idea of the form which this public consultation exercise will take?

Reply:

I am not a specialist in that area of the Council's business, but usually we advertise it, we have a public meeting, an exhibition of any plans and drawings - everything that we normally do. It will be online, on our website, as well.

Additional Supplementary question:

Will the Council organise a meeting where members of the public can attend and make their feelings heard in depth?

Reply:

There is no reason why not.

5. From Barbara Noble to the Portfolio Holder for Renewal, Recreation and Housing

The proposed move of Beckenham Library to the Public Halls will have considerable effect on the Halls' current users, ranging in age from about 18 months to 90 years.

When will an Equality Impact Assessment be published, covering the proposed loss of smaller rooms at the Halls?

Reply:

We have published an equality impact assessment, it is part of the report tonight. Whether it covers those specific points you have raised I am not entirely sure. Certainly, there is no reason why we cannot examine that point as well.

Supplementary Question:

The equality impact assessment you have covered is very good, but it is for the library, it is nothing to do with the other users. How then will the Council propose to survey all the current users of the public halls in order to form such an assessment?

Reply:

There is no reason why all the existing users of the Hall cannot be invited to make comments. That is clearly easier than in many other cases because they are visiting the hall and they will be able to pick up a form to fill in and give their opinions on any proposals that we have. But first of all we need we need the proposals, which is what tonight is about.

6. From Parisa Wright, Founder, Greener & Cleaner Bromley (& Beyond) to the Portfolio Holder for Environment and Community Services (written reply provided)

Given residents' air quality concerns around schools, please confirm when the Council's welcome air quality & anti-idling measures, publicised in June this year, become active? For example:

- a) adding to CEO numbers;
- b) giving CEOs mobile air quality monitors & training;
- c) supporting anti-idling fine enforcement by CEOs; and
- d) supporting School anti-idling campaigns with banners, flyers & workshops.

Reply:

We are working through the most effective and efficient way of undertaking the enforcement and hope that this will be in place during early 2020. Campaign material being developed is likely to include banners, flyers and car-stickers. Additional CEOs will be utilised for the campaign.

7. From John Cooper to the Portfolio Holder for Environment and Community Services

What democratic mechanisms and penalties are in place at Bromley Council to hold those who are responsible for public safety on the borough's roads to account if they fail in their duties or fail to carry out these duties within a reasonable time-frame?

Reply:

Fundamentally, talking about democratic processes, Councillors are elected by residents to set the borough's policies and priorities, and therefore we are held to account by residents, ultimately through the ballot-box. I would also say that our transport policy, known as our Local Improvement Plan, is consulted on before we adopt it, and that process was completed earlier this year.

The Leader added that he had seen the final consultation letters ready to go out, the only reason why they could not go out was the electoral purdah period. They would be posted on 12th December.

Supplementary Question:

What is your understanding of judicial changes in the law since the 1988 Road Traffic Act, in particular with reference to the Council's responsibility and liability in the event of serious accident? How do you feel you have been held to account to these judicial changes in the Court of Appeal and the Law Lords in Parliament with reference to this case?

Reply:

I do not have a legal background and I cannot comment on that specific case. Whenever there is a death on our roads, there is an inquest held, and the judge can say certain things at that point. I think that is probably all that I can say at this point.

Additional Supplementary Question:

The point I was trying to make is that there is judicial precedent. If there was an accident, and there are school children crossing that road all the time, if the Council was proved to have had notice of this and not acted in a reasonable timeframe, and this does go back to 2009, there are quite serious legal repercussions, and I just wanted to raise that and make you aware of it.

Reply:

The Leader responded that, having performed Councillor Huntington-Thresher's role prior to him, his understanding was that the Council fully discharged all its legal duties around safety all of the time.

8. From David Phillips to the Portfolio Holder for Renewal, Recreation and Housing (written reply provided)

At the Committee Meeting on 5 November 2019, the Acting Director, Culture and Regeneration indicated to Members that the proposed relocation of Beckenham Library and transferring management to GLL would result in “the provision of a more modern and improved library service”.

Is this assertion supported by a comparative study of the space available at each venue? What is the floor area of the current site and what will be the total floor area available at the Beckenham Public Hall? What will be the consequent impact on the number of books on display for reference or loan?

Reply:

This report merely deals with initial approval to proceed to procurement to RIBA Stage 2 which will enable the Council to determine the viability of the scheme. This stage will include a full measured survey, however the information available at this time shows that the Public Hall is larger than the existing library. Therefore the assumption would be that a new modern library located at the Public Hall could accommodate more books.

BECKENHAM LIBRARY

EXECUTIVE MEETING 27 11 2019

Peter Morgan, Executive Councillor for Renewal Recreation and Housing

1. Moving the library—

I am a bibliophile. I have probably 3000 books in my home. I support libraries and we have succeeded in renewing three libraries in recent years – Biggin Hill, Orpington and Penge. The usage has increased in all cases. We have plans to renew the libraries at Chislehurst, West Wickham and St Paul’s Cray. Beckenham is the third most popular library in the Borough. There is absolutely no intention of closing it

We will not consider moving the library unless the study we are commissioning tonight shows us that the new library will be at least as large and can accommodate at least the same number of books and will be flexible enough to allow the rooms to be used for functions and Community meetings. Our preliminary studies show that this will be the case or we would not have brought the appointment for approval this evening.

At our Biggin Hill library, at a new library I have inspected in Bexley and in another in Islington, the bookshelves are on wheels so that they can easily be pushed to the side in order for the room to be used for other purposes when the library is closed. The Public Halls are not fully utilised presently. I have a complete schedule of usage. It shows from Jan to August this year a total of 6 events. As to regular bookings, there is a Bridge Club which meets mainly in the evenings. During the daytime, we have Spiritual Healers once a week; and various meetings during the day, but the vast majority during the evenings or on Sundays. If we have flexible space then I am sure all these will be capable of being accommodated but that is in part what the study is about.

When we were considering moving the Penge library, the only premises we could find were those we have now close to the traffic lights in the town centre and our concern was that this location would be too close to the Beckenham library being only 0.8 miles away. The possible new location for the library in the town centre will be closer for those living in Central Beckenham, North Beckenham, East Beckenham and most of those south and south east of the town centre. It will of course be further away for those in Clock House but they would have the choice of Beckenham town centre, or Penge library.

Our experience of moving Orpington Library to the town centre is that the usage increased significantly and I would expect that the same would happen in Beckenham.

2. The refurbishment of the Public Halls:

The intention is to spend the money, released by the possible development of the library site, on a major refurbishment. That would transform this Arts and Crafts building into a venue of which we could all be proud and should increase the usage both for the library and community uses. If we decide not to proceed with the proposal then we would of course carry out necessary repairs but should be unable to carry out the refurbishment.

3. Housing:

LBB has a statutory obligation to house the homeless and we do so. We currently have about 1,600 families on our register. It is at least possible this number could rise. We set up the More Homes

project a while back and shortly that will have acquired the full number of 400 homes in which our homeless families will be housed. Many of these are not in our Borough. All the remaining 1,200 families have to be put up in nightly paid accommodation which we used to call bed and breakfast. It is our humanitarian duty to try our best to find proper permanent accommodation for these families and that is why the Council has decided to build at least 1,000 homes in the Borough during the next three years. We are starting with our own underutilised land and hence we have been looking at all land that we own in the Borough including the libraries. Hence the idea that the Beckenham site might be able to provide some of the new homes we need – but only of course if the library can be satisfactorily re-housed. Thus I confirm that 50% of any new [properties on the Beckenham library site will be affordable. I should clarify the word affordable because that covers various types. In this case we are talking about social rented housing where the rents should be within the Housing Allowance amounts and are the lowest rent type of affordable housing. The other 50% of any development would be private housing which would enable us to have the money to carry out the refurbishment. To be clear we have had a valuation of the site and are encouraged by that to believe that financially the proposal would be viable. The only true test of value is of course to offer the site to builders but they would have to allow LBB to have nominations to all the affordable housing.

Let me be clear, whilst we have an obligation to provide sites for 641 homes a year and possibly more once the new London Plan is approved, that is not the main driver. The main driver is to house the homeless.

We have projects under consideration at Chislehurst, Orpington, Burnt Ash Lane, West Wickham and Anerley.

4. Design:

The proposal tonight is solely to do with the Public Halls and if the appointed consultants do tell us that the proposal is viable and that a new library would be at least as large as the existing, then we would look at their proposals for the refurbishment with a critical eye and encourage public comments on the plans and drawings through a full consultation.

The drawing for a possible development on the library site has attracted much criticism, but this is only a space study to see what might be possible on the site consistent with not losing public open space. The actual design, if this happens at all, would be subject of architectural competition and again full public consultation. Clearly our planning officers and planning committees would be fully involved in this part of the process and personally I would be very interested in having a building here which complements the surrounding buildings and is attractive in its own right. I do not anticipate that the final result would look anything like the picture you have seen which, I repeat is simply a space study.

5. Allocation of land:

Certain critics have claimed that this land is not allocated for development. I will now read the advice from our planning department:

The site was not identified as a Specific Site Allocation in the Local Plan and remains as such. However, the policy requirement is for a minimum average dwellings per annum, and in Policy 1 of the Local Plan it states that the Council will “make provision for a minimum average of 641 homes per annum over the ten year plan period and where possible over the fifteen year plan period which will be achieved by” and the list which follows includes “j – The development of housing in Broad Locations (additional large sites within Bromley Town Centre, Orpington Town Centre and other

areas where there is existing large scale retail and **sites due to public sector restructuring** and other land disposal)" Therefore the site would make a legitimate contribution to housing supply within the specific intentions of the development plan policy.

6. Covenants:

It has been suggested that the site of the library was gifted to the Council with restrictions as to its use. We have made some legal enquiries with the following result:

The Library site, together with other land, was acquired by the Council from John Cator on the 15th February 1911 following the exercise by the Council of an option to purchase the said land contained in two leases previously granted to the Council by Albemarle Cator and others. The only covenant imposed on the Council in the conveyance was in respect of the maintenance of a wall on one of the boundaries and fences along the southern and northern boundaries. The Council had in 1899 previously acquired land to the west of the site which was subject to various covenants and subsequently in 1923 acquired the land to the north of the previously acquired land which was similarly subject to covenants. These covenants were varied by a deed dated 31st May 1932 and then released by a deed dated 31st May 1932 and then released by a deed dated 16th July 1984.

7. Consultation:

Several people have complained that there has been no public consultation about these proposals. At this stage the report merely deals with initial approval to proceed to procurement for concept designs. This will allow the Council to determine the viability of the scheme. If this work does show the scheme to be viable public consultation will commence prior to any subsequent report asking for approval to take the scheme forward

8. The Lambert Smith report:

The Lambert Smith Report is solely concerned with delivery methods for the Council and is not concerned with specific sites.

9. The Clock House shops:

Whilst some of the people using the library might occasionally visit the shops in Clock House, the 40 families who would occupy the new flats would also be able to do so and would be there 365 days a year. We are thus talking of about 120 new customers for 365 days a year. Potentially this would be greater benefit to these shops than the current situation.

10. Temporary location?

So far as I am concerned the old library will not be vacated until the new space is available

11. Conclusion:

I commend this proposal to the Executive for the following reasons:

We are seeking to make the best possible use of Council Assets

We want to refurbish and upgrade the potentially beautiful Public Halls Building

We want to increase the usage of the library and locate it close to a greater number of residents.

We could provide housing for our homeless families.

This evening's paper is solely about the appointment of consultants to prepare a viability assessment and drawings for the Public Halls. Once we have these, then if and only if, a new library can be properly accommodated in the Public Halls, we would proceed to the next stage and carry out a wide public consultation.